

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:
MIGUEL ANGEL RIVERA GARCIA

DEBTOR

CASE NO. 18-05790 (BKT)

CHAPTER 13

MOTION TO OBJECT CONFIRMATION OF PAYMENT PLAN

Comes now secured creditor, USDA Rural Development, through the undersigned counsel and respectfully alleges and prays as follows:

1. USDA Rural Development is a secured creditor having a duly executed and registered mortgage loan.
2. Creditor has filed a secured proof of claim for \$54,421.79, which includes \$18,082.48 in pre-petition arrears – Claim no. 8. The loan obligation is secured with real property located at: Urb. Diamari, A-24 Calle 3, Juncos PR 00777.
3. Debtor's payment plan, dated November 29, 2018, provides for the Trustee to pay USDA Rural Development \$14,437.00 in secured pre-petition arrears and for the debtor to maintain regular payments directly to creditor.
4. USDA Rural Development objects the confirmation of the proposed plan for the following reasons. According to the proposed plan, its base is \$27,034.00. When applying the applicable trustee rate of 7.70% to the plan base, along with paying attorney fees and the corresponding secured and priority claims (including creditor's secured Claim #8 with arrears totaling \$18,082.48), the total amount to pay is \$28,600.67 which exceeds the total plan base of \$27,034.00. Therefore, the proposed plan is insufficiently funded to disburse funds to the corresponding parties. **See Exhibit 1.**
5. Consequently, the proposed plan is unfeasible, and should not be confirmed. It inadequately provides for USDA Rural Development's secured claim, failing to comply with 11 U.S.C. §1322 and §1325.

6. Further, the proposed Plan should also not be confirmed because it is insufficiently funded to comply with the proposed disbursement scheduled to secured claim(s).

WHEREFORE, USDA Rural Development respectfully requests that this Honorable Court deny the confirmation of the Plan and issue such orders as may be just and proper.

RESPECTFULLY SUBMITTED,

In Guaynabo, Puerto Rico, this 27th day of February 2019.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE

I hereby certify that on the same date above I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee Jose R. Carrion Morales (claims@ch13-pr.com), and debtor's attorney Usda Rural Development (). I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: Debtor(s) Miguel Angel Rivera Garcia, at Urb Damaris, 330 Crisantemos St., Juncos PR 00777.

/s/ Juan C. Fortuño Fas
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Exhibit
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EVALUATION OF CHAPTER 13 PAYMENT PLAN DATED 11-29-2019, FOR CASE 18-05790

Proposed Plan Base:	\$	27,034.00
Trustee % Rate:		7.70%
Trustee Fee:	\$	2,081.62
Attorney Fee:	\$	2,768.00

Trustee pays secured arrears

Creditor 1:	\$	18,082.48
Creditor 2:		
Creditor 3:		

Trustee pays IN FULL

Creditor 1:	\$	5,078.24
Creditor 2:		
Creditor 3:		

Trustee Pays Value of Collateral

Creditor 1:		
Creditor 2:		
Creditor 3:		

Priority Claims

Creditor 1:	\$	590.33
Creditor 2:		
Creditor 3:		

PLAN BASE	\$	27,034.00	Insufficiently Funded
TOTAL PAYMENTS	\$	28,600.67	